

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMEL SHULER,

Plaintiff,

v.

No. 06-CV-792  
(FJS/DRH)

QUINN, Sgt., Upstate Correctional  
Facility; CAPTAIN BEZIO, Upstate  
Correctional Facility; SUPT. WOODS,  
Upstate Correctional Facility;  
J. ARMSTRONG, Correctional Officer,  
Upstate Correctional Facility;  
GRIFFEN, Correctional Officer,  
Upstate Correctional Facility; and  
JOHN DOE, Correctional Officer,  
Upstate Correctional Facility,

Defendants.

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APPEARANCES:

**OF COUNSEL:**

JAMEL SHULER  
Plaintiff Pro Se  
98-a-1916  
Shawangunk Correctional Facility  
Post Office Box 700  
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**FREDERICK J. SCULLIN, JR., S.J.**

**DECISION AND ORDER**

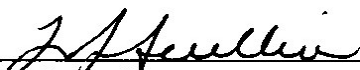
The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed October 17, and the Court having reviewed the Report-Recommendation and the entire file in this matter, including plaintiff's written request to withdraw and discontinue this action sworn to before a Notary Public on October 9, 2007 and filed October 12, 2007, (see Dkt. No. 30), and defendants' agreement to that request, accordingly, the Court hereby

**ORDERS**, that the Report-Recommendation of Magistrate Judge David R. Homer filed October 17, 2007 is **ACCEPTED** in its entirety, for the reasons stated therein; and the Court further

**ORDERS**, that pursuant to Fed. R. Civ. P.41(a)(1)(ii), this case is **DISMISSED** in its entirety in accordance with the stipulation of the parties.

**IT IS SO ORDERED.**

DATED: November 8, 2007  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge